

III. REMARKS

▪ Present Application

Claims 1-4, 6, 10-14, 16, 20, 22, 23, 25-30, 33, 35-37, 39-45, 48, 50-52, and 54-74 are pending in this application. Claims 20 and 59 have been amended. No new matter has been introduced with this amendment which is concerned with correction of inadvertent printing errors. Applicant respectfully asserts that all of the pending claims are now patentable.

Response to Rejections

▪ 35 U.S.C. §112, Second Paragraph

▪ The Examiner's Position

1. Claims 20, 39, 54, 59, 65, and 71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the Examiner's opinion, the following reasons apply:

Claim 20 is held vague and indefinite in that it is not known to the Examiner what is meant by the definition of R^3 , which includes the two moieties in the line 8 of the definition of R^3 , where the moieties have a box in the middle of each, i.e. $-CH_2C\Box CH$ and $-CH_2C\Box C(CH_3)$ and by the definition of R^5 , which includes the seven moieties in the lines 10 and 11 of the definition of R^5 where the moieties have a box in the middle of each, i.e. -

$\text{C}\square\text{CH}$, $-\text{CH}_2\text{C}\square\text{CH}$, $-\text{CH}_2\text{C}\square\text{C}(\text{CH}_3)$, $-\text{CH}_2\text{C}\square\text{C}(\text{C}_6\text{H}_5)$, $-\text{CH}_2\text{CH}_2\text{C}\square\text{CH}$,
 $-\text{CH}_2\text{CH}_2\text{C}\square\text{C}(\text{CH}_3)$, and $-\text{CH}_2\text{CH}_2\text{C}\square\text{C}(\text{C}_6\text{H}_5)$.

Claim 59 is also held vague and indefinite in that it is not known to the Examiner as to what is meant by the definition of R^{11} , R^{11a} and R^{11b} , of which there are no such variables in the claim.

The Applicant's Response

Applicant respectfully traverses the Examiner's 35 U.S.C. §112, second paragraph. The inadvertent printing errors in Claims 20 and 59 have been amended by replacing the inadvertent box symbol with the symbol '≡', pursuant to the Examiner's suggestions. The rejections under the statute of the Claims 20 and 59 and Claims 39, 54, 65, and 71, dependent from the rejected base claims, are therefore deemed moot. In view of the present amendment, Applicant believes the pending claims in condition for allowance.

CONCLUDING REMARKS, REQUESTS AND FEE PAYMENTS

For all of the reasons set forth above, it is firmly believed that all pending claims 1- 4, 6, 10, 11-14, 16, 20, 22, 23, 25-30, 33, 35-37, 39-45, 48, 50-52, and 54-74 are allowable. Early notification of allowance is solicited.

Fees

The Commissioner is hereby authorized to charge payment of any fees that are required under 37 C.F.R. §1.16 in connection with the communication transmitted herewith, to Deposit Account No. 03-3975.

Respectfully submitted,

Date: January 5, 2005



Hans-Peter G. Hoffmann, Ph.D.
Reg. No. 37,352
Agent for Applicant
Pillsbury Winthrop LLP
695 East Main Street – A-3
Stamford, CT 06901
(203) 965-8271